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FILE NO. S-1247

TORT LIABILITY:

Applicability of the Local
Governmental Employees Tort
Immunity Act to the Greater
Egypt Regional Planning and
Development Commission

Honorable Robert H. Howerton
State's Attorney
Williamson County
Court House
Marion, Illinois 62959

Dear Mr. Howerton:

I have your letter wherein you ask whether the
Greater Egypt Regional Planning and Development Commission
is a local governmental body within the meaning of section
1-206 of the Local Governmental and Governmental Employees
Tort Immunity Act (Ill. Rev. Stat. 1975, ch. 85, par. 1-206)
and thus, is subject to the provisions of that Act. For the
reasons hereinafter stated, it is my opinion that the Greater

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Egypt Regional Planning and Development Commission is a local governmental body within the meaning of the aforementioned Act, and thus, is subject to its provisions.

Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act provides as follows:

"'Local public entity' includes a county, township, municipality, municipal corporation, school district, school board, forest preserve district, park district, fire protection district, sanitary district, and all other local governmental bodies. It does not include the State or any office, officer, department, division, bureau, board, commission, university or similar agency of the State." (Emphasis added.)

It was the apparent intent of the General Assembly, in enacting the above definition of the term "local public entity", to include within that definition every form of local governmental body and to exclude the State, its officers and its agencies.

An examination of the pertinent statutory provisions discloses that a joint regional planning commission, such as the one in question, is local in nature. Such a commission is created by the county boards of the counties located within the included region. (Ill. Rev. Stat. 1975, ch. 34,

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par. 3003.) The number of members of a commission and the method of appointment of those members are determined by the county boards, and the operating funds of a commission are appropriated by those county boards. Ill. Rev. Stat. 1975, ch. 34, pars. 3001 and 3003.

A joint regional planning commission is clearly an agency of the counties creating it and thus, a local governmental body. The fact that such a commission crosses county lines does not make it an agency of the State and thereby exclude it from the coverage of the Local Governmental and Governmental Employees Tort Immunity Act.

Very truly yours,

A T T O R N E Y G E N E R A L